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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,086	02/03/2004	Mo Jafari	ACSG-67401 (3052C)	2378

24201 7590 04/26/2007
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EXAMINER

SZMAL, BRIAN SCOTT

ART UNIT	PAPER NUMBER
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3736

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/772,086

Applicant(s)

JAFARI ET AL.

Examiner

Brian Szmaj

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2007.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 40,42-45,47-50,52 and 53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 40,42-45,47-50,52 and 53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 February 2004 and 12 February 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 40, 42-45, 47-50, 52 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Imran et al (5,666,968) in view of Thorud et al (6,193,706 B1).

Imran et al disclose a guidewire extension and further disclose a core (11) having a proximal core section (13) with proximal (32) and distal (33) ends, and a distal core section (12) with proximal (17) and distal (18) ends; a weld (41) at a joint connecting the distal end (33) of the proximal core section (13) to the proximal end (17) of the distal core section (12) of the intravascular guidewire (see Figure 3; and Column 3, lines 55-59); the joint is not covered by a sleeve (see Figure 3; and Column 3, lines 55-59); the joint further comprises a first shape at the distal end (33) of the proximal core section (13) and a second shape complementary to the first shape at the proximal end (17) of the distal core section (12)(see Figure 3); the joint includes no gap in between the distal end (33) of the proximal core section (13) and the proximal end (17) of the distal core section (12)(see Figure 3; and Column 3, lines 55-59); the distal end (33) of the proximal core section (13) and the proximal end (17) of the distal core section (12) are aligned complementary to one another (see Figure 3); the core materials (13, 12) are joined together without the use of a hypotube (see Figure 3; and Column 3, lines 55-59); the welded joint includes a mass of hardened material (see Figure 3); the distal end (33)

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of the proximal core section (13) and the proximal end (17) of the distal core section (12) abut each other at the welded joint (see Figure 3); and a means for welding the core sections (13, 12) together disposed at a joint in between the distal end (33) of the proximal core section (13) and the proximal end (17) of the distal core section (12) of the intravascular guidewire.

Imran et al, however, fail to disclose the weld does not include filler material; and the weld is accomplished through heat and pressure.

Thorud et al disclose a guidewire extension system and further disclose the weld (32) does not include filler material (see Column 10, lines 9-10; spot welding is a welding technique that utilizes pressure and heat to join at least two pieces of material together without the use of a filler material); and the weld (32) is accomplished through heat and pressure (see Column 10, lines 9-10).

Since both Imran et al and Thorud et al disclose means for welding guidewire sections together, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the welding technique of Imran et al to include the use of a spot weld, as per the teachings of Thorud et al, since it is well known in the art to utilize a weld with a filler material or a spot weld to join the core sections of a guidewire together.

Response to Arguments

3. Applicant's arguments filed February 12, 2007 have been fully considered but they are not persuasive. The Applicants argue that Imran only teaches a gapped joint

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for joining the two sections of the guidewire together. The Examiner would like to point out Column 3, lines 55-59, in particular the use of a "butt joint" weld. When a "butt joint" weld is performed, two metal surfaces are brought together next to one another and welded. This weld can be a regular weld or a spot weld, which as discussed above, is a type of weld that does not require a filler material. Therefore, Imran clearly provides the teaching for a welding a "butt joint", but not the type of weld. Thorud clearly provides the teaching that a spot weld can be used to weld guidewire sections together.

4. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Imran clearly teaches welding the two guidewire sections together, while Thorud discloses the type of weld that does not include a filler material for use in a guidewire system.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Szmaj who whose telephone number is (571) 272-4733. The examiner can normally be reached on Monday-Friday, with second Fridays off.

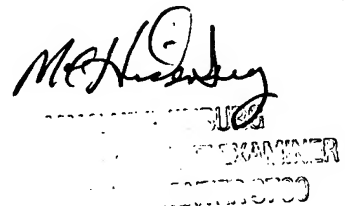
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max Hindenburg can be reached on (571) 272-4726. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



BS



Handwritten signature: McHenry
Official stamp: EXAMINER